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AUG 01 2006

In re Application of
Seubert, et al.
Application No. 08/466,554
Filed: June 6, 1995
Docket No.: 15270-002120

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: **OFFICE OF PETITIONS**
: DECISION GRANTING PETITION
: UNDER 37 CFR 1.181
:
:

This decision is in response to the petition under 37 CFR 1.181, filed October 31, 2005.

The petition is **GRANTED**.

The above-identified application was held abandoned November 17, 2004 for failure to timely submit a proper reply to the non-final Office action mailed August 16, 2004. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment dated March 1, 2005.

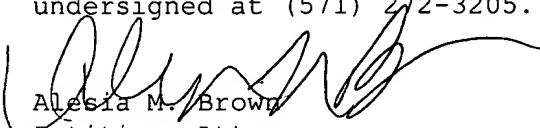
Petitioners allege that a response to the non-final Office action and a petition for extension of time were timely submitted February 16, 2005. Petitioners have provided copies of the response alleged to have been timely submitted February 16, 2005. The response bears a certificate of mailing in accordance with 37 CFR 1.8.

A review of the application file does not indicate receipt of the response purportedly filed February 16, 2005, however, the response will be considered timely as it complies with the requirements of 37 CFR 1.8(b) in that (1) the Office was promptly informed of the previously timely mailing, (2) a copy of the previously submitted correspondence with a certificate of mailing thereon has been supplied, and, (3) statements attesting to the previous timely mailing have been submitted.

In view thereof, the Notice of Abandonment is vacated and the holding of abandonment is withdrawn.

This application is being forwarded to Technology Center 1600 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.


Alessia M. Brown
Petitions Attorney
Office of Petitions